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## Amendments to the claims

Claims 1, 6 and 14 have been amended and claims 5 and 15 have been cancelled (without prejudice) as provided above. In particular, claim 1 has been amended to include all of the limitations of claim 5 (now cancelled). Claim 6 has been amended to depend from claim 1, as amended. Claim 14 has been amended to include all of the limitations of claim 15 (now cancelled) as well as other clarifying limitations. Support for the respective amendments to claims 1, 6 and 14 can be found at least on page 5, line 6 to page 19, line 4 of the specification as originally filed. No new matter has been added through the amendments to claims 1, 6 and 14.

## Rejection of Claims under 35 U.S.C. § 102

Claims 1-4 and 7-20 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,032,201 to Tillery, Jr. et al. ("Tillery").

The Applicant respectfully disagrees that claims 1-4 and 7-20, as respectively amended, are anticipated by Tillery.

As a starting point, the PTO and the Federal Circuit provide that §102 anticipation requires **each and every element of the claimed invention to be disclosed in a single prior art reference.** (*In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990)). The corollary of this rule is that the absence from a cited §102 reference of any claimed element negates the anticipation. (*Kloster Speedsteel AB, et al v. Crucible, Inc., et al*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986)). Furthermore, “[a]nticipation requires that all of the elements and limitations of the claims are found within a single prior art reference.” (*Scripps Clinic and Research Found. v Genetech. Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991 (emphasis added))). Moreover, the PTO and the Federal Circuit

1 provide that §102 anticipation requires that there must be no difference between the  
2 claimed invention and the reference disclosure. (*Scripps Clinic and Research Found.*  
3 *v. Genetech, Inc.*, id. (emphasis added)).

4 Accordingly, if the Applicant can demonstrate that any one element or  
5 limitation in claims 1-4 and 7-20, as respectively amended, is not disclosed by  
6 Tillery, then the respective claim(s) must be allowed.

7 In the following arguments, the Applicant will focus in particular on  
8 independent claims 1, 9 and 14, as respectively amended, as the Applicant believes  
9 those claims to be allowable over Tillery. It is axiomatic that any dependent claim  
10 which depends from an allowable base claim is also allowable, and therefore the  
11 Applicant does not believe it is necessary to present arguments in favor of each and  
12 every dependent claim.

13  
14 Claim 1

15 The Applicant contends that claim 1, as amended, (and rejected claims 2-4  
16 and 6-8 which depend therefrom) are not anticipated by Tillery. With respect to  
17 independent claim 1, as amended, that claim includes the following limitations:

18  
19 A method for configuring a computer to obtain status information  
20 for subsequent print jobs to a printer, the method comprising:

21 supplying a proxy printer driver in place of an actual printer  
22 driver associated with the printer; and

23 setting a flag so as to indicate that the computer is able to  
24 provide status for print jobs on the printer.

25 (Emphasis added.)

1 Tillery does not provide for setting a flag so as to indicate that the computer is  
2 able to provide status for print jobs on the printer, as recited in combination with the  
3 other features of claim 1. In fact, Tillery provides for neither the setting a flag, nor  
4 the status of a print job, in any context.

5 Rather, Tillery is directed to providing a proxy device driver as a substitute for  
6 a correct device driver so as to eliminate problems stemming from invalid information  
7 within a Microsoft Windows™ SYSTEM.INI file (Abstract of Tillery). Under Tillery, a  
8 software client then uses the proxy device driver in order to access a corresponding  
9 system device, such as a re-installed hardware card (Col. 1, line 56 to Col. 2, line 45  
10 of Tillery). Tillery provides no description or suggestion in regard to flags, nor does  
11 Tillery describe or suggest any method or apparatus related to the status of a print  
12 job. Thus, Tillery fails to provide for all of the elements as recited by instant claim 1,  
13 as amended.

14 Furthermore, and as described in further detail below, the Examiner has  
15 indicated that claim 5 (now cancelled) would be allowable if rewritten in independent  
16 form including all of the limitations of its base and any intervening claims. Claim 1,  
17 as amended, is equivalent to claim 5 (now cancelled) rewritten in independent form  
18 and inclusive of all limitations of its base claim and any intervening claims.

19 In view of the foregoing, the § 102(e) rejection of claim 1, as amended, is  
20 unsupportable and should be withdrawn. For at least these reasons, claim 1, as  
21 amended, is allowable. As rejected claims 2-4 and 6-8, as respectively amended,  
22 depend from claim 1, as amended, as it is axiomatic that they too are allowable at  
23 least by virtue of their dependence upon an allowable base claim.

24  
25 (Continued on next page.)

1 Claim 9

2 The Applicant contends that claim 9, and rejected claims 10-13 which depend  
3 therefrom, are not anticipated by Tillery. With respect to independent claim 9, that  
4 claim includes the following limitations:

5  
6 A method of gathering status for a print job from a computer to a  
7 printer, the method comprising:

8 executing a proxy printer driver while producing the print job,  
9 wherein the proxy printer driver is a proxy for an actual printer driver;

10 inserting into the print job a unique identifier of the print job; and  
11 querying at least one of a spooler and the printer regarding  
12 status of the print job.

13 (Emphasis added.)  
14

15 As explained above in regard to claim 1, Tillery does not provide for inserting  
16 into the print job a unique identifier of the print job, as recited in combination with the  
17 other features of claim 9. Furthermore, Tillery does not provide for querying at least  
18 one of a spooler and the printer regarding status of the print job, as recited in  
19 combination with the other features of claim 9.

20 To the contrary, Tillery is completely devoid of the terms and phrases "status",  
21 "spooler", "status of [a] print job", or their respective equivalents, as used in any  
22 context or for any reason. Quite simply, Tillery is directed to solving a different  
23 problem (i.e., providing client access to re-installed hardware) than that of the  
24 present invention (i.e., providing status of print job within a system).

25 Thus, Tillery fails to provide, teach or suggest at least two of the elements and  
features as recited by instant claim 9. Therefore, the § 102(e) rejection of claim 9 is

1 unsupportable and should be withdrawn. For at least these reasons, claim 9 is  
2 allowable. As rejected claims 10-13 depend from claim 9, they too are allowable.

3  
4 Claim 14

5 The Applicant contends that claim 14, as amended, and rejected claims 16-20  
6 which depend therefrom, are not anticipated by Tillery. With respect to independent  
7 claim 14, as amended, that claim includes the following limitations:

8  
9 A computer readable medium on which is embedded a  
10 computer program, the program comprising:

11 a proxy printer driver translation part, the proxy printer driver  
12 translation part being a proxy for an actual printer driver translation  
13 part; and

14 a status configuration utility, wherein the status configuration  
15 utility is configured to set a flag indicating that a computer is able to  
16 provide status for print jobs.

17 (Emphasis added.)  
18

19 Tillery fails to provide a status configuration utility, wherein the status  
20 configuration utility is configured to set a flag indicating that a computer is able to  
21 provide status for print jobs, as recited in combination with the other features of  
22 claim 14. Rather, and as described above, Tillery provides no description regarding  
23 a status for print jobs. Similarly, Tillery provides no description relating to a status  
24 configuration utility configured to set a flag, for any purpose or in any manner.

25 Ultimately, Tillery fails to provide at least one element as recited by instant  
claim 14, as amended. The § 102(e) rejection of claim 14, as amended, is invalid in  
view of the inadequacies of Tillery, and should be withdrawn. For at least these

1 reasons, claim 14, as amended, is allowable. As rejected claims 16-20 depend from  
2 claim 14, they too are allowable.

3  
4 Allowable subject matter

5 The Examiner has indicated that claims 5 and 6 are objected to as being  
6 dependent upon (respective) rejected base claims, but would be allowable if  
7 rewritten in independent form including all of the limitations of the base claim and  
8 any intervening claims (page 3 of Office Action). Independent claim 1 has been  
9 amended to include all of the limitations of claim 5 (now cancelled). Thus,  
10 independent claim 1, as amended, is now equivalent to claim 5 (now cancelled)  
11 rewritten in independent form and including all of the limitations of its respective base  
12 claim and any intervening claims. Claim 6, as amended, now depends from claim 1,  
13 as amended.

14 Therefore, the Applicant believes that claim 1, as amended, is allowable. It is  
15 axiomatic that dependent claims 2-4 and 6-8, as respectively amended, are also  
16 allowable at least by virtue of their dependence from allowable claim 1, as amended.

17  
18 Summary

19 The Applicant believes that this response constitutes a full and complete  
20 response to the Office action. Therefore, the Applicant respectfully requests  
21 reconsideration of claims 1-4, 6-14 and 16-20, as respectively amended, in favor of  
22 timely allowance.

23  
24 (Continued on next page.)  
25

1 The Examiner is respectfully requested to contact the below-signed  
2 representative if the Examiner believes this will facilitate prosecution toward  
3 allowance of the claims.  
4

5 Respectfully submitted,

6 Shell Simpson

7  
8 Date: January 7, 2005

9 By 

10 Scott K. Gallert

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